

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 322

94TH GENERAL ASSEMBLY

2007

1536L.04T

AN ACT

To repeal sections 8.007, 8.110, 8.120, 8.177, 8.250, 8.255, 8.291, and 304.190, RSMo, and to enact in lieu thereof six new sections relating to construction-related activities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 8.007, 8.110, 8.120, 8.177, 8.250, 8.255, 8.291, and 304.190, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 8.007, 8.110, 8.250, 8.255, 8.291, and 304.190, to read as follows:

8.007. 1. The commission shall:

(1) Exercise general supervision of the administration of sections 8.001 to 8.007;

(2) Evaluate and recommend courses of action on the restoration and preservation of the capitol, the preservation of historical significance of the capitol and the history of the capitol;

(3) Evaluate and recommend courses of action to ensure accessibility to the capitol for physically disabled persons;

(4) Advise, consult, and cooperate with the office of administration, the archives division of the office of the secretary of state, the historic preservation program within the department of natural resources, the division of tourism within the department of economic development and the historical society of Missouri in furtherance of the purposes of sections 8.001 to 8.007;

(5) Be authorized to cooperate or collaborate with other state agencies and not-for-profit organizations to publish books and manuals concerning the history

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 of the capitol, its improvement or restoration;

17 (6) Before each September first, recommend options to the governor on
18 budget allocation for improvements or restoration of the capitol premises;

19 (7) Encourage, participate in, or conduct studies, investigations, and
20 research and demonstrations relating to improvement and restoration of the state
21 capitol it may deem advisable and necessary for the discharge of its duties
22 pursuant to sections 8.001 to 8.007; and

23 (8) Hold hearings, issue notices of hearings and take testimony as the
24 commission deems necessary.

25 2. The "Second Capitol Commission Fund" is hereby created in the state
26 treasury. Any moneys received from sources other than appropriation by the
27 general assembly, including from private sources, gifts, donations and grants,
28 shall be credited to the second capitol commission fund and shall be appropriated
29 by the general assembly.

30 3. The provisions of section 33.080, RSMo, to the contrary
31 notwithstanding, moneys in the second capitol commission fund shall not be
32 transferred and placed to the credit of the general revenue fund.

33 4. The commission is authorized to accept all gifts, bequests and donations
34 from any source whatsoever. The commission may also apply for and receive
35 grants consistent with the purposes of sections 8.001 to 8.007. All such gifts,
36 bequests, donations and grants shall be used or expended upon appropriation in
37 accordance with their terms or stipulations, and the gifts, bequests, donations or
38 grants may be used or expended for the preservation, restoration and improved
39 accessibility and for promoting the historical significance of the capitol.

40 **5. The commission may copyright or obtain a trademark for any**
41 **photograph, written work, art object, or any product created of the**
42 **capitol or capitol grounds. The commission may grant access or use of**
43 **any such works to other organizations or individuals for a fee, at its**
44 **sole discretion, or waive all fees. All funds obtained through licensing**
45 **fees shall be credited to the capitol commission fund in a manner**
46 **similar to funds the commission receives as gifts, donations, and**
47 **grants. The funds shall be used for repairs, refurbishing, or to create**
48 **art, exhibits, decorations, or other beautifications or adornments to the**
49 **capitol or its grounds.**

8.110. There is hereby created within the office of administration a
2 "Division of Facilities Management, **Design, and Construction**", which shall

3 **supervise the design, construction, renovations, maintenance, and**
4 **repair of state facilities, except as provided in sections 8.015 and 8.017,**
5 **and except those facilities belonging to the institutions of higher**
6 **education, the highways and transportation commission, and the**
7 **conservation commission, which shall be responsible to review all**
8 **requests for appropriations for capital improvements.** Except as
9 otherwise provided by law, the director of the division of facilities management,
10 **design, and construction** shall be responsible for the management and
11 operation of office buildings titled in the name of the governor. The director shall
12 exercise all diligence to ensure that all facilities within his management and
13 control comply with the designated building codes; that they are clean, safe and
14 secure, and in proper repair; and that they are adequately served by all necessary
15 utilities.

8.250. 1. "Project" for the purposes of this chapter means the labor or
2 material necessary for the construction, renovation, or repair of improvements to
3 real property so that the work, when complete, shall be ready for service for its
4 intended purpose and shall require no other work to be a completed system or
5 component.

6 2. All contracts for projects, the cost of which exceeds twenty-five
7 thousand dollars, entered into by any [officer or agency of this state or of any]
8 city containing five hundred thousand inhabitants or more shall be let to the
9 lowest, responsive, responsible bidder or bidders after notice and publication of
10 an advertisement for five days in a daily newspaper in the county where the work
11 is located, or at least twice over a period of ten days or more in a newspaper in
12 the county where the work is located, and in two daily newspapers in the state
13 which do not have less than fifty thousand daily circulation, and by such other
14 means as are determined to be most likely to reach potential bidders.

15 3. **All contracts for projects, the cost of which exceeds one**
16 **hundred thousand dollars, entered into by an officer or agency of this**
17 **state shall be let to the lowest, responsive, responsible bidder or**
18 **bidders based on preestablished criteria after notice and publication**
19 **of an advertisement for five days in a daily newspaper in the county**
20 **where the work is located, or at least twice over a period of ten days or**
21 **more in a newspaper in the county where the work is located and in**
22 **one daily newspaper in the state which does not have less than fifty**
23 **thousand daily circulation and by such other means as determined to**

24 **be most likely to reach potential bidders. For all contracts for projects**
25 **between twenty-five thousand dollars and one hundred thousand**
26 **dollars, a minimum of three contractors shall be solicited with the**
27 **award being made to the lowest responsive, responsible bidder based**
28 **on preestablished criteria.**

29 4. The number of such public bids shall not be restricted or curtailed, but
30 shall be open to all persons complying with the terms upon which the bids are
31 requested or solicited unless debarred for cause. No contract shall be awarded
32 when the amount appropriated for same is not sufficient to complete the work
33 ready for service.

34 [4.] 5. Dividing a project into component labor or material allocations for
35 the purpose of avoiding bidding or advertising provisions required by this section
36 is specifically prohibited.

8.255. 1. The director may authorize any agency of the state to establish
2 standing contracts for the purpose of accomplishing construction, renovation,
3 maintenance and repair projects not exceeding one hundred thousand
4 dollars. Such contracts shall be advertised and bid in the same manner as
5 contracts for work which exceeds one hundred thousand dollars, except that each
6 contract shall allow for multiple projects, the cost of each of which does not
7 exceed one hundred thousand dollars. Each contract shall be of a stated duration
8 and shall have a stated maximum total expenditure. **For job order contracts,**
9 **the total expenditure per project shall not exceed three hundred**
10 **thousand dollars.**

11 2. The director, with full documentation, shall have the authority to
12 authorize any agency to contract for any design or construction, renovation,
13 maintenance, or repair work which in his judgment can best be procured directly
14 by such agency. The director shall establish, by rule, the procedures which the
15 agencies must follow to procure contracts for design, construction, renovation,
16 maintenance or repair work. Each agency which procures such contracts
17 pursuant to a delegation shall file an annual report as required by rule. The
18 director shall provide general supervision over the process. The director may
19 establish procedures by which such contracts are to be procured, either generally
20 or in accordance with each authorization.

21 3. The director, in his sole discretion, may with full documentation
22 approve a recommendation from a project designer that a material, product or
23 system within a specification for construction, renovation or repair work be

24 designated by brand, trade name or individual mark, when it is determined to be
25 in the best interest of the state. The specification may include a preestablished
26 price for purchase of the material, product or system where required by the
27 director.

8.291. 1. The agency shall list three highly qualified firms. The agency
2 shall then select the firm considered best qualified and capable of performing the
3 desired work and negotiate a contract for the project with the firm selected.

4 2. For a basis for negotiations the agency shall prepare a written
5 description of the scope of the proposed services.

6 3. If the agency is unable to negotiate a satisfactory contract with the firm
7 selected, negotiations with that firm shall be terminated. The agency shall then
8 undertake negotiations with another of the qualified firms selected. If there is
9 a failing of accord with the second firm, negotiations with such firm shall be
10 terminated. The agency shall then undertake negotiations with the third
11 qualified firm.

12 4. If the agency is unable to negotiate a contract with any of the selected
13 firms, the agency shall reevaluate the necessary architectural, engineering or
14 land surveying services, including the scope and reasonable fee requirements,
15 again compile a list of qualified firms and proceed in accordance with the
16 provisions of sections 8.285 to 8.291.

17 5. The provisions of sections 8.285 to 8.291 shall not apply to any political
18 subdivision which adopts a **[formal] qualification-based selection** procedure
19 **commensurate with state policy** for the procurement of architectural,
20 engineering and land surveying services.

304.190. 1. No motor vehicle, unladen or with load, operating exclusively
2 within the corporate limits of cities containing seventy-five thousand inhabitants
3 or more or within two miles of the corporate limits of the city or within the
4 commercial zone of the city shall exceed fifteen feet in height.

5 2. No motor vehicle operating exclusively within any said area shall have
6 a greater weight than twenty-two thousand four hundred pounds on one axle.

7 3. The "commercial zone" of the city is defined to mean that area within
8 the city together with the territory extending one mile beyond the corporate limits
9 of the city and one mile additional for each fifty thousand population or portion
10 thereof provided, however, the commercial zone surrounding a city not within a
11 county shall extend **[eighteen] twenty-five** miles beyond the corporate limits of
12 any such city not located within a county and shall also extend throughout any

13 [first class charter] county **with a charter form of government** which adjoins
14 that city **and throughout any county with a charter form of government**
15 **and with more than two hundred fifty thousand but fewer than three**
16 **hundred fifty thousand inhabitants that is adjacent to such county**
17 **adjoining such city**; further, provided, however, the commercial zone of a city
18 with a population of at least four hundred thousand inhabitants but not more
19 than four hundred fifty thousand inhabitants shall extend twelve miles beyond
20 the corporate limits of any such city; except that this zone shall extend from the
21 southern border of such city's limits, beginning with the western-most freeway,
22 following said freeway south to the first intersection with a multilane undivided
23 highway, where the zone shall extend south along said freeway to include a city
24 of the fourth classification with more than eight thousand nine hundred but less
25 than nine thousand inhabitants, and shall extend north from the intersection of
26 said freeway and multilane undivided highway along the multilane undivided
27 highway to the city limits of a city with a population of at least four hundred
28 thousand inhabitants but not more than four hundred fifty thousand inhabitants,
29 **and shall extend east from the city limits of a special charter city with**
30 **more than two hundred seventy-five but fewer than three hundred**
31 **seventy-five inhabitants along state route 210 and northwest from the**
32 **intersection of state route 210 and state route 10 to include the**
33 **boundaries of any city of the third classification with more than ten**
34 **thousand eight hundred but fewer than ten thousand nine hundred**
35 **inhabitants and located in more than one county**; further provided,
36 **however, the commercial zone of a city of the third classification with**
37 **more than nine thousand six hundred fifty but fewer than nine**
38 **thousand eight hundred inhabitants shall extend south from the city**
39 **limits along U.S. highway 61 to the intersection of state route OO in a**
40 **county of the third classification without a township form of**
41 **government and with more than seventeen thousand eight hundred but**
42 **fewer than seventeen thousand nine hundred inhabitants.** In no case
43 shall the commercial zone of a city be reduced due to a loss of population. The
44 provisions of this section shall not apply to motor vehicles operating on the
45 interstate highways in the area beyond two miles of a corporate limit of the city
46 unless the United States Department of Transportation increases the allowable
47 weight limits on the interstate highway system within commercial zones. In such
48 case, the mileage limits established in this section shall be automatically

49 increased only in the commercial zones to conform with those authorized by the
50 United States Department of Transportation.

51 4. Nothing in this section shall prevent a city, county, or municipality, by
52 ordinance, from designating the routes over which such vehicles may be operated.

53 **5. No motor vehicle engaged in interstate commerce, whether**
54 **unladen or with load, whose operations in the state of Missouri are**
55 **limited exclusively to the commercial zone of a first class home rule**
56 **municipality located in a county with a population between eighty**
57 **thousand and ninety-five thousand inhabitants which has a portion of**
58 **its corporate limits contiguous with a portion of the boundary between**
59 **the states of Missouri and Kansas, shall have a greater weight than**
60 **twenty-two thousand four hundred pounds on one axle, nor shall exceed**
61 **fifteen feet in height.**

[8.120. There is hereby created within the office of
2 administration a "Division of Design and Construction", which shall
3 supervise the design, construction, renovations and repair of state
4 facilities, except as provided in sections 8.015 and 8.017, and
5 except in those belonging to the institutions of higher education
6 and the department of conservation. The division of design and
7 construction shall be responsible to review all requests for
8 appropriations for capital improvements.]

[8.177. 1. The director of the department of public safety
2 shall employ Missouri capitol police officers for public safety at the
3 seat of state government. Each Missouri capitol police officer, upon
4 appointment, shall take and subscribe an oath of office to support
5 the constitution and laws of the United States and the state of
6 Missouri and shall receive a certificate of appointment, a copy of
7 which shall be filed with the secretary of state, granting such police
8 officers all the same powers of arrest held by other police officers
9 to maintain order and preserve the peace in all state-owned or
10 leased buildings, and the grounds thereof, at the seat of
11 government and such buildings and grounds within the county
12 which contains the seat of government.

13 2. The director of the department of public safety shall
14 appoint a sufficient number of Missouri capitol police officers, with
15 available appropriations, as appropriated specifically for the

16 purpose designated in this subsection, so that the capitol grounds
17 may be patrolled at all times, and that traffic and parking upon the
18 capitol grounds and the grounds of other state buildings owned or
19 leased within the capital city and the county which contains the
20 seat of government may be properly controlled. Missouri capitol
21 police officers may make arrests for the violation of parking and
22 traffic regulations promulgated by the office of administration.

23 3. Missouri capitol police officers shall be authorized to
24 arrest a person anywhere in the county that contains the seat of
25 state government, when there is probable cause to believe the
26 person committed a crime within capitol police jurisdiction or when
27 a person commits a crime within capitol police jurisdiction or when
28 a person commits a crime in the presence of an on-duty capitol
29 police officer.]

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